

### **REMARKS**

This is in response to the Final Office Action mailed on December 23, 2008. A one (1) month extension of time is filed together herewith. Therefore, the time period for response extends up to and includes April 23, 2009. Additionally, a Request For Continued Examination is filed herewith.

In the Action, claims 1, 2, 4-9, 11, 14, and 18-19 were rejected. No amendments are made herein. Applicants wish to thank the Examiner for her careful review and consideration of the present application. Claims 1, 2, 4-9, 11, 14, and 18-19 remain pending in this application.

### **Rejections Under 35 U.S.C. § 102**

In the Office Action, claims 1-2, 4-8, 11, 14 and 18-19 are rejected under §102(b) as being anticipated by Tudor-Pole (U.S. Patent No. 3,378,973). Applicants respectfully traverse the rejection since Tudor-Pole fails to disclose all elements of the claims.

Tudor-Pole describes joint covering strips. The strips are made of metal and can be covered with a hydrophobic substance such as plastics material. Col. 1, lines 46-50. The strips include a coverstrip 1 with "inturned" side edges 2 that form a channel section 3 for connection with a fixing clip 11. Col. 2, lines 4-5. The coverstrip 1 is outwardly bowed. Col. 2, lines 2-6.

In Tudor-Pole the coverstrip 1 is connected to a joint by means of fixing clips 11. Col. 2, lines 18-28. The fixing clips 11 have a U-shaped body 12 with tongues 14 punched out of each of the arms 15 of the U-shaped body 12. Col. 2, lines 12-16. When inserted in a joint, the tongues 14 are squeezed towards the arms 15 of the clips 11 by sides of the panels. Col. 2, lines 18-24. The tongues 14 engage the side walls 17 frictionally and make it difficult for the clips 11 (and attached coverstrip 1) to be removed. The tips of the tongues 14 can be sharp enough to dig into the side walls 17.

Tudor-Pole fails to disclose at least one element of each of the pending independent claims 1, 14, 18, and 19.

**A. The flange member is moveable from a substantially domed configuration to a substantially flat configuration**

Claim 1 recites, in part, a “flange member [that] is moveable from a substantially domed configuration to a substantially flat configuration.”

Tudor-Pole does not disclose a substantially flat configuration. The Office Action cites to col. 1, lines 36-41 as disclosing this element. Applicants respectfully disagree that this section of Tudor-Pole discloses a flange member moveable to a substantially flat configuration. Tudor-Pole states at col. 1, lines 37-41:

The optimum angle which the face of the inturned edge of the strip makes with the flat face of the panel against which it is held will depend upon the nature of the surface of both the strip and of the panel, but generally speaking it lies between 15° and 45° and may be about 30°.

Thus, Tudor-Pole discloses a strip having an edge that forms an angle with respect to a flat face of a panel. If it was flat, then there would be no angle. Accordingly, Tudor-Pole fails to disclose a flange member that is moveable to a substantially flat configuration.

Tudor-Pole fails to disclose similar elements of independent claims 14, 18, and 19. For example, claim 14 recites, in part, “said flange member is moveable from a substantially domed configuration to a substantially flat configuration. Claim 18 recites, in part, “the flange having a first configuration in which the first outer surface has a domed shape and a second configuration in which the first outer surface is substantially flat.” Claim 19 recites, in part, “wherein the joining member includes a first position and a second position when in use; wherein when the joining member is in the first position, the first surface of the flange has a domed shape . . . wherein when the joining member is in the second position, the first surface of the flange is substantially straight.”

In view of the above, Tudor-Pole fails to disclose and/or teach a flange member that is moveable from a substantially domed configuration to a substantially flat configuration. Therefore, Applicants respectfully request reconsideration and allowance of independent claims 1, 14, 18, and 19, as well as dependent claims 2, 4-8, and 11 that ultimately depend from claim 1.

**B. The retaining members engage a second surface of a panel**

Claim 1 recites, in part, “when the at least one resilient retaining member is moved beyond said gap . . . it engages at least a portion of the second surface of each panel.” An example of the second surface is the second surface 51, shown in FIGS. 1a and 1b of the present application. Claim 1 explains that the second surface is “opposed” to the first surface, and that “said flange member is engageable with at least a portion of the first surface of each panel.”

Tudor-Pole does not disclose retaining members that move beyond the gap to engage with a second opposing surface of a panel. The Office Action cites to FIG. 3 of Tudor-Pole as disclosing this element. Applicants respectfully disagree.

FIG. 3 of Tudor-Pole shows tongues 14 that engage only with a side wall 17 of panels 4. Col. 2, lines 24-30 of Tudor-Pole further states:

Thus the tongues 14 engage the side walls 17 of the panels 4 frictionally and make it very difficult for the combination of the clips 11 and the coverstrip 1 to be removed, especially so if the tips of the tongues 14 are sharp enough to dig into the walls 17. Any attempt at removal of the combination merely causes the tips of the tongues 14 to dig further into the walls 17.

A side wall 17 is not a second surface as defined in claim 1, because it is not opposed to a first surface (which is itself engaged by a flange member). Tudor-Pole does not show a second surface of a panel in the figures and there is no disclosure in Tudor-Pole that tongues 14 engage with a second surface of a panel. Further, the retaining member of Tudor-Pole is not moved beyond the gap.

Tudor-Pole fails to disclose a similar element of claim 14. For example, claim 14 recites, in part, “said resilient retaining members . . . engage at least a portion of the second surface of a panel.”

In view of the above, Tudor-Pole fails to disclose all elements of the claims and does not render the claims obvious. Therefore, Applicants respectfully request reconsideration and allowance of independent claims 1 and 14, as well as dependent claims 2, 4-8, and 11 that ultimately depend from claim 1.

**C. The retaining members are resilient**

Claim 1 recites, in part, “[a]n elongate joining member made entirely from a resiliently flexible material.” Claim 1 further recites, “wherein when the at least one resilient retaining member is moved beyond said gap, it resiliently returns at least towards said first biased configuration relative to the extension member.”

Tudor-Pole fails to disclose a resilient material or a resilient retaining member that resiliently returns at least towards said first biased configuration. The Office Action cites to col. 1, lines 42-50 of Tudor-Pole as disclosing a resiliently flexible material. Col. 1, lines 42-50 states:

We have found further that if water is blown with such a force that it flows into the space between the strip and the panels, this water has a strong tendency to flow along the face of the strip and not along the face of the panel. This happens where the strip is made of metal and the panel is of concrete or stone which is considerably rougher than the strip. We have found that this tendency persists even when the strip is made of, or covered with, a hydro-phobic substance such as plastics material.

Thus, Tudor-Pole discloses a strip made of metal, which can also be covered with a hydro-phobic substance such as plastics material. There is no disclosure or suggestion, however, that the metal material is “made entirely from a resiliently flexible material” as recited in claim 1.

Moreover, Tudor-Pole fails to disclose a retaining member made of a resiliently flexible material such that “when the at least one resilient retaining member is moved beyond said gap, it resiliently returns at least towards said first biased configuration relative to the extension member.” As noted above, Tudor-Pole also fails to disclose that the retaining member moves beyond the gap between the panels.

Tudor-Pole fails to disclose a similar element of claim 14. For example, claim 14 recites, in part, a “joining member comprising a flange member and at least two resilient extension members . . . each resilient extension member further comprising at least one resilient retaining member.” Claim 14 further recites, “wherein when at least said resilient retaining members of said resilient extension members are moved beyond the gap, they resiliently return at least towards said first biased configuration of the extension member.”

Claim 19 similarly recites, in part, “a resilient retaining member . . . wherein when the joining member is in the first position . . . the retaining member is in a collapsed configuration such that the angle is a first angle . . . wherein when the joining member is in the second position the . . . retaining member is in an expanded configuration such that the angle is larger than the first angle.”

In view of the above, Tudor-Pole fails to disclose all elements of the claims and does not render the claims obvious. Therefore, Applicants respectfully request reconsideration and allowance of independent claims 1, 14, and 19, as well as dependent claims 2, 4-8, and 11 that ultimately depend from claim 1.

Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments as may be necessary.

### **Rejections Under 35 U.S.C. § 103**

In the Office Action, claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tudor-Pole (U.S. Patent No. 3,378,973) in view of Yamamoto (JP 06185129). Applicants respectfully traverse this rejection.

Claim 9 ultimately depends from claim 1 discussed above, and is therefore allowable for at least the same reasons. Furthermore, Yamamoto does not overcome the deficiencies of Tudor-Pole as discussed above.

Therefore, Applicants respectfully request reconsideration and allowance of claim 1. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments as may be necessary.

### **Conclusion**

In view of the above amendments and remarks, Applicants respectfully request a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution

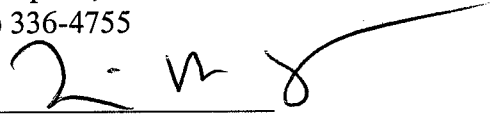
of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

MERCHANT & GOULD  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 336-4755

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By

  
Brian H. Batzli  
Reg. No. 32,960  
BHB/BAT:ae